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**TOWN WARRANT
SPECIAL TOWN MEETING
October 30, 2006**

Hampshire, ss.

To one of the Constables of the Town of Amherst, in said county, Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify the registered voters of the Town of Amherst of the **Special Town Meeting** to be held in the Auditorium of the Amherst Regional Middle School in said Amherst at seven-thirty o'clock p.m. on **Monday, the thirtieth day of October, two thousand and six**, when the following articles will be acted upon by town meeting members:

ARTICLE 1. Reports of Boards and Committees (Select Board)

To see if the Town will hear those reports of Town officers, the Finance Committee, and any other Town boards or committees which are not available in written form.

ARTICLE 2. Transfer of Funds – Unpaid Bills (Select Board)

To see if the Town will, in accordance with Chapter 44, section 64, of the Massachusetts General Laws, appropriate and transfer a sum of money to pay unpaid bills of previous years.

ARTICLE 3. FY 07 Operating Budget Amendments (Finance Committee)

A. To see if the Town will amend Article 26 of the 2006 Annual Town Meeting – Fiscal Year 2007 Operating Budget, by appropriating to the Health Claims Trust Fund \$166,087 for employee health insurance and to meet such appropriation transfer \$166,087 from Free Cash in the Undesignated Fund Balance of the General Fund, said appropriation to be reimbursed to the General Fund via a temporary health insurance premium surcharge to employers and employees until such time as the total appropriation has been reimbursed.

B. To see if the Town will amend Article 26 of the 2006 Annual Town Meeting – Fiscal Year 2007 Operating Budget, by appropriating to the Sewer Fund \$85,853 to eliminate a revenue deficit as of June 30, 2006, and that to meet such appropriation \$85,853 be transferred from Sewer Fund Surplus.

C. To see if the Town will amend Article 26 of the 2006 Annual Town Meeting – Fiscal Year 2007 Operating Budget, by appropriating to the Golf Course Fund \$10,742.69 to eliminate a revenue deficit as of June 30, 2006, and that to meet such appropriation \$10,742.69 be transferred from Golf Course Fund Surplus.

ARTICLE 4. Golf Course Fund (Finance Committee)

To see if the Town will dissolve the Golf Course Enterprise Fund in accordance with the provisions of M.G.L. Chapter 44, Section 53F1/2 effective December 1, 2006, and transfer remaining fund balance and fixed assets to the General Fund.

ARTICLE 5. Debt Rescissions (Finance Committee)

To see if the Town will rescind the following borrowing authorizations:

Special Town Meeting, October 1984, Article 15 - \$298,000 for Parking Lot

Special Town Meeting, May 2001, Article 1 - \$3,603 for Crocker Farm School Project

Special Town Meeting, January 2003, Article 1 - \$400,000 for Chapel Road/Mechanic Street Sewer Extension

ARTICLE 6. 575 North East Street (Historical Commission/Conservation Commission)

To see if the town will authorize the Select Board to enter into a Compensation Agreement and a Mitigation Agreement with the Commonwealth of Massachusetts Department of Agricultural Resources, on terms and conditions as the Select Board may deem reasonable, which Compensation Agreement shall include a provision in which the town pledges its full faith and credit as security for the payment of the amounts due under such Agreement, all as required pursuant to pending special legislation entitled “An Act Releasing Certain Land in Amherst From the Operation of an Agricultural Preservation Restriction.”

ARTICLE 7. Memorandum of Understanding for Emergency Management (Board of Health)

To see if the Town of Amherst will, in accordance with M.G.L. c40 s 4A, authorize the Amherst Select Board and the Board of Health to enter into an intermunicipal agreement with one or more other governmental units to provide public health, public works, and general government administration services which the Board of Health, Department of Public Works, and other administrative bodies in town are authorized to perform, in accordance with an Intermunicipal Mutual Aid Agreement to be entered between the Town and various governmental units.

ARTICLE 8. Petition – Outreach Bus Service (Ver Eecke)

“To see if the Town will vote to continue, and, if financially and otherwise feasible, improve outreach bus service to Echo Hill and East Amherst.”

ARTICLE 9. Disposition of Olympia Drive (Select Board)

To see if the town will a) transfer the care and custody of two certain parcels of land located on Olympia Drive, containing 6.29 acres of land and 7.21 acres, more or less, respectively, being a portion of the land shown as Parcel 20 on Assessors Map 8D, and more particularly shown as Parcels 1 and 2 on a plan entitled “Plan of Land in Amherst, Massachusetts Prepared for the Inhabitants of the Town of Amherst,” dated July 11, 2006, by Berkshire Design Group, Inc., from the Select Board as general municipal property to the Select Board for the purpose conveying said parcels, and b) authorize the Select Board to convey such parcels for the purpose of construction of affordable housing on Parcel 1 and for open space supporting such construction on Parcel 2, which conveyance shall be in accordance with all applicable bidding statutes and on such terms and conditions as the Select Board may deem reasonable.

ARTICLE 10. Creation of an Agricultural Commission (Farm Committee)

To see if the town will establish an Agricultural Commission to represent the Amherst farming and agricultural community, as well as other farming and forestry activities. As of January 1, 2007, the Agricultural Commission will replace the Farm Committee previously established by the Select Board.

The purpose of the Agricultural Commission will be to support commercial agriculture and other farming activities in the Town of Amherst. The Commission’s duties shall include but will not be limited to the following: promoting agricultural-based economic opportunities in Town; acting as mediators, advocates, educators, and/or negotiators on farming issues; working for the preservation of agricultural lands; advising Town Meeting, Select Board, Planning Board, Zoning Board of Appeals, Conservation Commission, Board of Health, Historical Commission, Board of Assessors, and the Open Space Committee, or any other appropriate Town Boards and Committees, on issues involving agriculture; pursuing all initiatives appropriate to creating a sustainable agricultural community in the Town of Amherst; and, reviewing and advising on development proposed in farmland areas, as may be permitted under zoning and other development regulations.

The Commission shall consist of nine members appointed by the Select Board. A majority of the membership shall be substantially engaged in the pursuit of agriculture. All members of the Commission must either be residents of the town, or owners and farmers of agricultural property or agricultural enterprises within the town. One member shall be a non-voting representative of the Planning Board, nominated by the Planning Board and appointed by the Select Board. The Director of Conservation and Planning shall serve as a non-voting staff liaison to the Agricultural Commission.

The term of appointment shall be for 3 years staggered so that three new members are appointed each year. Initially, three members shall be appointed for a term of three years; three members shall be appointed for a term of two years; and three members shall be appointed for a term of one year. At the time of passage of this article, current members of the Amherst Farm Committee- who meet the Commission’s membership criteria, shall continue to serve out their current terms as Commission members. Reappointments shall be consistent with Town Policy.

ARTICLE 11. Zoning Map – Main & High Street (R-G and/or COM to B-VC) (Planning Board)

To see if the town will amend the Official Zoning Map changing the zoning designation on properties on Main and High Streets, as follows:

- A. Rezone the property at 446 Main Street (Assessors Map 14B, Parcel 66) from General Residence (R-G) to Village Center Business (B-VC).
- B. Rezone the following properties or portions of properties from General Residence (R-G) to Village Center Business (B-VC):
 - 1. 462 Main Street (Map 14B, Parcel 68)
 - 2. A northerly portion of the property at 457 Main Street (Map 14B, Parcel 131) totaling 17,741 sq. ft. in area, more or less.
 - 3. A northerly portion of the property at 319-321 Main Street (Map 14B, Parcel 28) totaling 21,774 sq. ft. in area, more or less.
- C. Rezone the following properties on Main and High Streets from Commercial (COM), or from Commercial (COM) and General Residence (R-G), to Village Center Business (B-VC):
 - 1. 502 Main Street (Map 14B, Parcel 130)
 - 2. 534 Main Street (Map 14B, Parcel 128)
 - 3. 13 High Street (Map 14B, Parcel 129)
 - 4. High Street (Map 14B, Parcel 234)

ARTICLE 12. Zoning Bylaw - Farmland Conservation (FC) Development Standards (Planning Board)

To see if the town will amend Sections 3.2832, Section 3.285, Farmland Conservation Development Standards, Section 6.3, Section 10.323, and Section 11.230, by deleting the ~~lined out~~ language and adding the language in ***bold italics***, as follows:

- A. **Amend Section 3.2832, as follows:**

3.2832 For flag lots with frontage located outside the FC District and a majority of lot area within the FC District, the lot area requirements for these lots are as follows:

Minimum lot area 20,000 sq.ft.
Maximum lot area 30,000 sq.ft.

The minimum front, side and rear yard setbacks for buildings containing dwelling units on such flag lots shall be forty (40) feet. All other dimensional requirements for ~~these flag lots in the FC District~~ shall be the same as those specified in Table 3 ~~or Section 4.332 for Cluster Development flag lots in the R-N District, as applicable.~~

B. Add new Section 3.2833, as follows:

3.2833 *Flag lots with a majority of lot area within the FC District that are not part of a cluster subdivision, Open Space Community Development (OSCD), or Planned Unit Residential Developments (PURDs) shall only be developed for one family detached dwellings, supplemental apartments (Section 5.011), and converted dwellings (Section 3.3241), as dimensional requirements shall allow.*

C. Add the following new language after the heading and before Section 3.2580:

3.285 Farmland Conservation Development Standards

The development standards in this section shall apply to cluster developments, Open Space Community Developments (OSCDs), and Planned Unit Residential Developments (PURDs) proposed within the Farmland Conservation (FC) overlay district. The development standards established under Sections 3.2857-3.2859, inclusive, shall also be applied to flag lots with frontage located outside the FC District and a majority of lot area within the FC District.

D. Amend Sections 3.2851, 3.2852, 3.2855 and 3.2856, as follows:

3.2851 Individual or multi-unit community septic systems may be allowed in cluster developments, *OSCDs, or PURDs* in the FC District where public sanitary service is not reasonably available, subject to Board of Health approval, conditions and restrictions.

3.2852 Within the common land provided in ~~the a Cluster Development~~, a maximum of 5,000 square feet per dwelling unit shall be set aside as usable open space for active and passive recreation. *For an OSCD or PURD, the common land requirements shall be as provided under Section 4.4127 or Section 4.570, as applicable.*

Upon request of the applicant, the ~~Planning Board~~ *Permit Granting Board or Special Permit Granting Authority, as applicable*, may waive this maximum, where such a change would be consistent with the purposes of this Bylaw. In making their decision, the ~~Planning Board~~ *Permit Granting Board or Special Permit Granting Authority* shall consider whether the maximum feasible amount of common land has been set aside as permanently preserved farmland, while maintaining adequate amounts of usable open space for active and passive recreation for the Cluster Development.

3.2855 No building containing dwelling units *in a cluster development, OSCD or PURD* shall intrude into a minimum 150 foot buffer strip separating residential uses from adjacent or on-site farmland. Said buffer strip may include private property and Common Land. The permit granting board or authority may reduce this distance requirement where screening, substantial vegetation, land contour or other features of the site are deemed to provide sufficient buffering, and where such a change is consistent with the purposes of this Bylaw. An exception to this distance requirement shall be permitted for no more than one (1) dwelling unit associated with the management and operation of agricultural uses of the farmland. Said dwelling unit shall be included in the maximum number of lots provided for under Section 4.327.

3.2856 The permit granting board or authority may approve the use of portions of the 150 foot buffer strip between the residential and farmland portions of a cluster development, *OSCD, or PURD*, as usable open space for the recreational use of ~~cluster development~~ residents, provided the board or authority determines such use will not impact adversely on adjacent farming activity and is consistent with Section 4.31 of the Zoning Bylaw.

3.2857 Every reasonable effort shall be made *in the siting and design of dwelling units and structures* to maintain views of open agricultural lands from nearby public ways.

3.2858 Each dwelling unit and structure shall be integrated into the existing landscape through use of building placement, landform treatment and screening.

3.2859 Applicants are encouraged to site dwelling units and other structures:

1. Within any woodland contained on the parcel;
2. Into woodlands along the edges of fields;
3. In locations where new construction can be visually screened or absorbed into natural vegetative or topographic features;
4. In locations where the greatest number of units can take advantage of solar heating, summer breezes, vegetative wind screens, and other climatic site characteristics that can be utilized through siting and design.

E. Add a new Section 6.39, as follows:

6.39 *Flag lots with frontage located outside the FC District and a majority of lot area within the FC District shall be governed by the dimensional regulations established under Section 3.2832.*

F. Amend Section 10.323, as follows:

10.323 Upon receipt of an application for a Special Permit, the Special Permit Granting Authority shall transmit copies of the application and plans to appropriate Town boards and officials which may include: the Building Commissioner, Planning Director, Town Engineer, Fire Chief, Conservation Director, Board of Health, Historical Commission, Public Transportation Committee, *Farm Committee/Agricultural Commission*, and others as necessary. These boards and officials shall have thirty-five (35) days to report to the Special Permit Granting Authority their findings and recommendations. Failure to report in the allotted time shall constitute approval by that board or official of the application submitted.

G. Amend Section 11.230, as follows:

11.230 The Planning Board shall transmit copies of the application and site plan to appropriate Town ~~B~~boards and departments which may include: the Town Engineer, Fire Chief, Conservation Department, Building Commissioner, Board of Health, Historical Commission, Public Transportation Committee, *Farm Committee/Agricultural Commission*, and others as necessary. These ~~B~~boards and departments shall have thirty-five (35) days to report to the Planning Board their findings and recommendations. Failure to report in the allotted time shall constitute approval by that ~~B~~board or ~~D~~department of the application submitted.

ARTICLE 13. Zoning Bylaw - Wetlands District (WD) Removal (Planning Board)

To see if the town will amend the Zoning Bylaw and the Official Zoning Map as follows:

- A. Delete Section 3.26, Wetlands District (WD), and all other references to the Wetlands District (WD) throughout the Zoning Bylaw, renumber ensuing sections accordingly, and amend the following sections by deleting the ~~lined-out~~ language and adding the language in ***bold italics***, as follows:

- 1) Delete the reference to SECTION 3.26, Wetlands District, in the Table of Contents.
- 2) Under Section 2.05, Resource Protection Districts, delete the following:

~~**WD—Wetlands District**~~

~~The WD District is an overlay district consisting of lands defined as wetlands by the provisions of the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40.~~

- 3) Delete Section 3.26, Wetlands District, and all of its subsections, and replace it with the following:

3.26 [RESERVED FOR FUTURE USE]

- B. Add the following new definition to Article 12 of the Zoning Bylaw, and renumbering the remaining existing sections accordingly:

12.39 ***Wetlands: Those lands defined as wetlands by the provisions of the Massachusetts Wetlands Act, M.G.L. Chapter 131, Section 40, as amended, and by the provisions of the General Bylaws of the Town of Amherst Massachusetts, Article II, General Regulations, Wetlands Protection, as amended.***

C. Amend the Official Zoning Map by removing the Wetlands District (WD) wherever it appears.

ARTICLE 14. Land Acquisition - Easement - Parking Garage (Select Board)

To see if the town will a) authorize the Select Board to acquire, by gift, purchase, eminent domain or otherwise, an easement in, on and over a certain area of land of Tso-Chen and Rose C. Chang located on the northerly portion of 60 Main Street, being a portion of Parcel 59 on Assessors Map 14A, for the purpose of placing and maintaining thereon improvements associated with the construction of the Boltwood Parking Garage; b) appropriate a sum of money for such acquisition, and; c) determine a source of funds for such appropriation.

ARTICLE 15. Fire Station Study Committee (Fire Station Study Committee)

To see if the Town will

(a) receive the report from Caole and Bieniek Associates, Inc. as commissioned by the Town of Amherst under the direction of the Town Manager and the Fire Station Study Committee; and

(b) ask that the Town Manager develop a long-range plan for financing either the three-station concept or the two-station concept for possible incorporation into municipal and capital budget planning.

ARTICLE 16. Bylaw – Lock Boxes (Select Board)

To see if the town will adopt the following bylaw:

AMHERST FIRE DEPARTMENT
Emergency Access Bylaw

1. Name of Bylaw and Authority

1.1. This bylaw shall be known as the Emergency Access Bylaw. It is enacted pursuant to the police powers of the town of Amherst in order to increase the safety and security of the inhabitants of the town and their property by lessening the response time to alarms in buildings with supervised fire protection systems.

2. Prohibition

2.1. No person shall install or maintain on any new or renovated building a supervised fire protection system unless such system is in full compliance with this bylaw or an exception has been obtained in accordance with this bylaw.

3. Installation

3.1. A key vault to provide emergency access for Fire Department units shall be installed on any building, (except single family dwellings) provided with supervised fire protection systems.

3.1.1. The Fire Chief or his designee may grant an exception if the facility has on duty security or staff and the Fire Chief or his designee, in his sole discretion, is satisfied that such security or staff is able to arrive at the building with access keys in less than five minutes.

3.1.2. The Fire Chief or his designee may approve an alternate entry method of emergency access. An application describing the alternative method shall be made to the Fire Chief who may grant an exception if he is satisfied, in his sole discretion, that the alternative entry method provides an equivalent fire response time as contemplated under this bylaw.

3.2. The type and style of key vault shall be approved by the Fire Chief or his designee.

3.3. The key vault shall be installed at the front door or other Fire Department approved access point into the building.

3.4. The location of the key vault shall be approved by the Fire Department.

3.5. Keys or access codes shall be secured in the key vault including keys or codes for all outside doors, for interior doors and mechanical rooms and fire alarm control panels. Owner and occupant identification and 24-hour contact information shall be maintained in the key box.

4. Operation

4.1. The Fire Department may use the keys secured in the key vault to gain access to the protected property for any emergency response.

4.2. The Fire Department shall notify the owner or tenant each time the keys secured in the key vault are used.

4.3. The owner shall file with the Dispatch Center a list of persons who will respond to the building within 15 minutes whenever a fire alarm is activated.

4.4. The owner, tenant or designated person shall respond to restore fire protections systems to service and to secure the building.

4.5. The owner shall ensure the keys are secured in the key vault after termination of the incident.

- 5. Maintenance
 - 5.1. The key secured in the key vault shall be updated upon change of owner or tenant.
 - 5.2. Annual inspection and maintenance
 - 5.2.1. The keys secured in the key vault shall be removed annually and tested for proper operation.
 - 5.2.2. Contact information for the owner and occupants shall be updated annually.
 - 5.2.3. The key box lock shall be cleaned and lubricated annually.
 - 5.2.4. The owner shall contact the Fire Department and make an appointment for annual inspection and maintenance of the key vault
 - 5.2.5. The owner shall make such repairs and replace the lock box or any portion thereof as may be ordered by the Fire Chief or his designee.

ARTICLE 17. Bylaw – Open Burning (Select Board)
To see if the town will adopt the following bylaw:

OPEN BURNING BYLAW

SECTION 1 PURPOSE

This by-law, which regulates open burning within the Town of Amherst, is enacted pursuant to the general police power in order to protect the health, safety and welfare of the inhabitants of the town.

SECTION 2 PROHIBITION

No person shall set, maintain or increase a fire in the open at any time, except pursuant to a permit issued under Mass. Gen. Laws, Ch. 148, sec. 13, and in full compliance with the provisions of 310 CMR 7.07.

SECTION 3 ENFORCEMENT

This by-law shall be enforced by criminal complaint in the District Court. In the alternative, it may be enforced by the non-criminal disposition process as set forth in Mass. Gen. Laws, Ch. 40, sec. 21D. For the purpose of non-criminal disposition, the enforcing persons shall be full time fire fighters of the Amherst Fire Department, police officers and the building commissioner.

SECTION 4 PENALTY

Whoever violates any provision of section 2 shall be punished by a fine of not more than \$300 plus the cost of suppression or by imprisonment for not more than one month or both. For the purpose of non-criminal disposition, the fine shall be \$300 for each offense.

SECTION 5 RESPONSIBILITY

If the person or persons responsible for an activity which violates Section 2 cannot be determined, the person in lawful custody and/or control of the premises, including but not limited to the owner, lessee or occupant of the property on which the activity is located, shall be deemed responsible for the violation.

SECTION 6 SEVERABILITY

If any section, paragraph or provision of this by-law is held to be invalid or unenforceable, such invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this by-law, which shall remain in full force or effect.

ARTICLE 18. Easements - Pulpit Hill Road (Select Board)

To see if the town will authorize the Select Board to convey an easement to Verizon New England, Inc. and Western Massachusetts Electric Company over land located at 531 Pulpit Hill Road, which property is commonly known as “Ruxton,” for the purpose of placing and maintaining underground telecommunications and electrical lines and related equipment to provide utility service to the wireless communications facility to be located thereon pursuant to a Lease Agreement with Bell Atlantic Mobile of Massachusetts Corporation Ltd d/b/a Verizon Wireless as authorized under Article 16 of the Annual Town Meeting held on May 2, 2005.

You are hereby directed to serve this call by posting attested copies thereof at the usual places:

Prec. 1	North Amherst Post Office	Prec. 6	Fort River School
Prec. 2	North Fire Station	Prec. 7	Crocker Farm School
Prec. 3	Marks Meadow School	Prec. 8	Munson Memorial Library
Prec. 4	Amherst Post Office	Prec. 9	Wildwood School
Prec. 5	Town Hall	Prec. 10	Campus Center, UMass

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said meeting.

Given under our hands this eleventh day of October, 2006.

Anne S. Awad
Robie Hubley
Robert B. Kusner
Gerald S. Weiss
Hwei-Ling Greeney
Select Board, Town of Amherst

Hampshire, ss.

October 13, 2006

In obedience to the within warrant, I have this day as directed posted true and attested copies thereof at the above designated places, to wit:

Sgt. Jerry Millar
Constable, Town of Amherst